DEPARTMENT OF THE ARMY
SAVANNAH DISTRICT, CORPS OF ENGINEERS
PIEDMONT BRANCH
1590 ADAMSON PARKWAY, SUITE 200
MORROW, GEORGIA 30260-1777

JUN 27 2007

Regulatory Division
200700627

JOINT PUBLIC NOTICE
Savannah District/State of Georgia

The Savannah District has received an application for a Department of the Army Permit, pursuant to Section 404 of the Clean Water Act (33 U.S.C. 1344), as follows:

Application Number: 200700627

Applicant: FCD Development, LLC
Attention: Mr. Chuck Borysiak
One Commerce Parkway
Atlanta, Georgia 30328

Agent: Wetland & Ecological Consultants
Attention: Ms. Ginny H. Pantano
3225 South Cherokee Lane, Bldg. 800
Woodstock, Georgia 30188

Location of Proposed Work: The proposed work is located at latitude 33° 56' 34" North and longitude 83°45' 10" West, in the southeastern quadrant of the intersection of Georgia Highway 316 and Georgia Highway 81 in Barrow County, Georgia. (See Enclosure 1)

Description of Work Subject to the Jurisdiction of the US Army Corps of Engineers: The proposed Barrow Crossing Regional Retail Center would consist of 601,304 square feet of retail space, as well as parking areas and a storm water facility, on a 68 acre site.

Waters of the US, within the jurisdiction of the US Army Corps of Engineers (USACE), consist of seven wetlands totaling 1.6 acres of wetland, 0.08 acres open water (manmade pond), and 1,009 linear feet of unnamed intermittent stream. (See Enclosure 2)

The jurisdictional acreage and linear footage was based upon field and map study made by the applicant's agent prior to the US Army Corps of Engineers and US Environmental Protection Agency receiving guidance on jurisdiction based upon Clean Water Act Jurisdiction Following the US Supreme Court's Decision in Rapanos v. United States & Carabell v. United States.

The applicant proposes to compensate for the impact to the wetlands, open waters, and streams by restoring a riparian area, restoring wetlands, and enhancing wetlands. The propped compensatory mitigation would be in the same watershed, the Upper Oconee, as the impacts. (See Enclosure 3, 4, 5 and 6)

BACKGROUND

This Joint Public Notice announces a request for authorizations from both the US Army Corps of Engineers and the State of Georgia. The applicant's proposed work may also require local Governmental approval.

STATE OF GEORGIA

Water Quality Certification: The Georgia Department of Natural Resources, Environmental Protection Division, intends to certify this project at the end of 30 days in accordance with the provisions of Section 401 of the Clean Water Act, which is required by an applicant for a Federal Permit to conduct an activity in, on, or adjacent to the waters of the State of Georgia. Copies of the application and supporting documents relative to a specific application will be available for review and copying at the office of the Georgia Department of Natural Resources, Environmental Protection Division, Water Protection Branch, 4220 International Parkway, Suite 101, Atlanta, Georgia 30354, during regular office hours. A copier machine is available for public use at a charge of 25 cents per page. Any person who desires to comment, object, or request a public hearing relative to State Water Quality Certification must do so within 30 days of the State's receipt of application in writing and state the reasons or basis of objections or request for a hearing. The application can also be seen in the Savannah District US Army Corps of Engineers, Regulatory Branch, Piedmont Branch, 1590 Adamson Parkway, Suite 200, Morrow, Georgia.

State-owned Property and Resources: The applicant may also require assent from the State of Georgia which may be in the form of a license, easement, lease, permit, or other appropriate instrument.

US ARMY CORPS OF ENGINEERS

The Savannah District must consider the purpose and the impacts of the applicant's proposed work, prior to a decision on issuance of a Department of the Army Permit.

Cultural Resources Assessment: Pursuant to Section 106 of the National Historic Preservation Act of 1966, as amended, we request the Georgia Historical Preservation Division (HPD) or any other interested party review the latest published version of the National Register of Historic Places (NRHP) to determine if the property has or has not any registered properties or properties listed as eligible for inclusion located at the site or in the area affected by the proposed work. Presently unknown archaeological, scientific, prehistorical, or historical data may be located at

the site and could be affected by the proposed work.

Endangered Species: Pursuant to Section 7(c) of the Endangered Species Act of 1973, as amended (16 U.S.C. 1531 et seq.), we request from the US Department of the Interior, Fish and Wildlife Service and the US Department of Commerce, National Oceanic and Atmospheric Administration, National Marine Fisheries Service, or any other interested party, information on whether any species listed or proposed for listing may be present in the area.

Public Interest Review: The decision whether to issue a permit will be based on an evaluation of the probable impact including cumulative impacts of the proposed activity on the public interest. That decision will reflect the national concern for both protection and utilization of important resources. The benefit which reasonably may be expected to accrue from the proposal must be balanced against its reasonably foreseeable detriments. All factors which may be relevant to the proposal will be considered including the cumulative effects thereof; among those are conservation, economics, aesthetics, general environmental concerns, wetlands, historic properties, fish and wildlife values, flood hazards, flood plain values, land use, navigation, shoreline erosion and accretion, recreation, water supply and conservation, water quality, energy needs, safety, food and fiber production, mineral needs, considerations of property ownership and in general, the needs and welfare of the people.

Consideration of Public Comments: The US Army Corps of Engineers is soliciting comments from the public; federal, state, and local agencies and officials; Native American Tribes; and other interested parties in order to consider and evaluate the impacts of this proposed activity. Any comments received will be considered by the US Army Corps of Engineers to determine whether to issue, modify, condition or deny a permit for this proposal. To make this decision, comments are used to assess impacts on endangered species, historic properties, water quality, general environmental effects, and the other public interest factors listed above. Comments are used in the preparation of an Environmental Assessment and/or an Environmental Impact Statement pursuant to the National Environmental Policy Act. Comments are also used to determine the need for a public hearing and to determine the overall public interest of the proposed activity.

Application of Section 404(b)(1) Guidelines: The proposed activity involves the discharge of dredged or fill material into the waters of the United States. The Savannah District's evaluation of the impact of the activity on the public interest will include application of the guidelines promulgated by the Administrator, Environmental Protection Agency, under the authority of Section 404(b) of the Clean Water Act.

Public Hearing: Any person may request, in writing, within the comment period specified in this notice, that a public hearing be held to consider this application for a Department of the Army Permit. Requests for public hearings shall state, with particularity, the reasons for requesting a public hearing. The decision whether to hold a public hearing is at the discretion of the District Engineer, or his designated appointee, based on the need for additional substantial

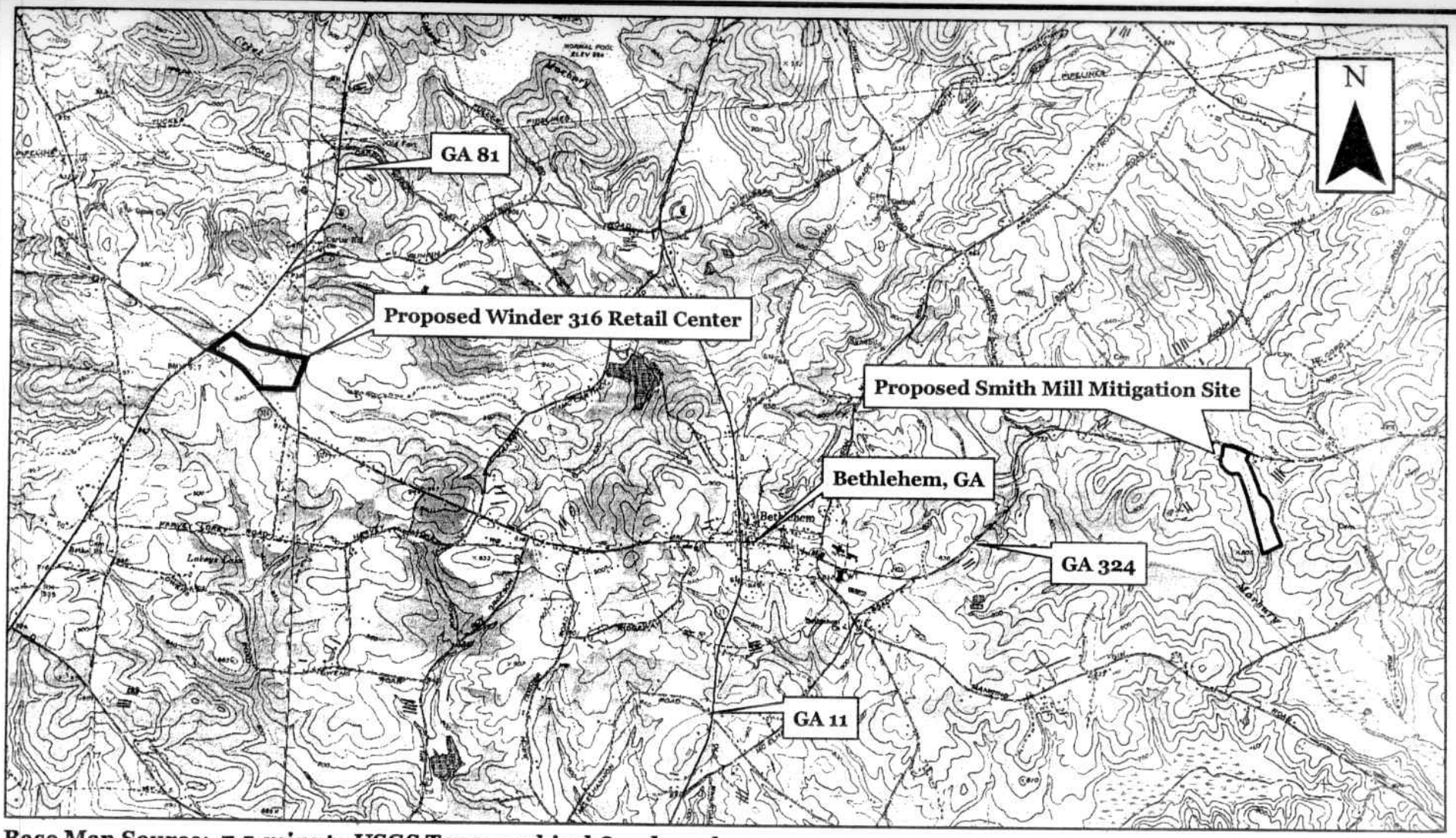
information necessary in evaluating the proposed project.

Comment Period: Anyone wishing to comment on this application for a Department of the Army Permit should submit comments in writing to the Savannah District, US Army Corps of Engineers, Piedmont Branch, Attention: Mr. Greg Cardwell, 1590 Adamson Parkway, Suite 200, Morrow, Georgia 30260-1777, no later than 30 days from the date of this notice. Please refer to the applicant's name (Crossroads at 400, LLC) and the application number (200700833) in your comments.

If you have any further questions concerning this matter, please contact Mr. Gary L. Craig at (678) 422-6728.

Enclosures

1. Enclosure 1: Location Map
2. Enclosure 2:Figure 2: Jurisdictional Waters Map
3. Enclosure 3,4,5 and 6: Mitigation Worksheet



Base Map Source: 7.5-minute USGS Topographical Quadrangles: Bold Springs and Winder South, Georgia.

1:42,000

Barrow Crossing **Barrow County, Georgia**	**WETLAND & ECOLOGICAL CONSULTANTS, LLC** **Woodstock, Georgia**	**Fig** Enclosure 1 **SMMA Site** **WEC Project**

Base Map Source: 3.75-minute CIR MrSID: Bold Springs NE, Georgia.

Enclosure 2

1:4,000

Winder 316/81 Site

Barrow County, Georgia

WETLAND & ECOLOGICAL CONSULTANTS, LLC
Woodstock, Georgia

Jurisdictional Waters Map

WEC Project No. 02-052305

Table 4: Wetlands and Open Waters Mitigation Worksheet

ADVERSE IMPACT FACTORS

Factor	Options						
Dominant Effect	Fill 2.0	Dredge 1.8	Impound 1.6	Drain 1.4	Flood 1.2	Clear 1.0	Shade 0.5
Duration of Effects	7+ years 2.0	5-7 years 1.640	3-5 years 1.0	1-3 years 0.5	< 1 year 0.1		
Existing Condition	Class 1 2.0	Class 2 1.640	Class 3 1.0	Class 4 0.5	Class 5 0.1		
Lost Kind	Kind A 2.0	Kind B 1.640	Kind C 1.0	Kind D 0.5	Kind E 0.1		
Preventability	High 2.0	Moderate 1.0	Low 0.5	None 0			
Rarity Ranking	Rare 2.0	Uncommon 0.5	Common 0.1				

† These factors are determined on a case-by-case basis.

REQUIRED MITIGATION CREDITS WORKSHEET

Factor	Pond 1	Wetland 1	Wetland 2	Wetland 3	Wetland 4	Wetland 5	Wetland 6	Wetland 7
Dominant Effect	2.0	2.0	2.0	2.0	2.0	2.0	2.0	2.0
Duration of Effect	2.0	2.0	2.0	2.0	2.0	2.0	2.0	2.0
Existing Condition	0.5	1.0	1.0	0.5	1.0	1.0	1.0	1.0
Lost Kind	0.5	0.5	0.5	0.5	0.5	0.5	0.5	0.5
Preventability	0.5	0.5	0.5	0.5	0.5	0.5	0.5	0.5
Rarity Ranking	0.1	0.1	0.1	0.1	0.1	0.1	0.1	0.1
Sum of r Factors	$R_1 = 5.6$	$R_2 = 7.6$	$R_3 = 7.6$	$R_4 = 7.1$	$R_5 = 7.6$	$R_6 = 7.6$	$R_6 = 7.6$	$R_6 = 7.6$
Impacted Area	$AA_1 = 0.088$	$AA_2 = 0.288$	$AA_3 = 0.339$	$AA_4 = 0.006$	$AA_5 = 0.221$	$AA_6 = 0.227$	$AA_6 = 0.351$	$AA_6 = 0.208$
R x AA =	0.49	2.19	2.58	0.04	1.68	1.73	2.67	1.58

Total Required Credits = Σ (R × AA) = **13.0**

Enclosure 3

TABLE 5: ADVERSE IMPACT FACTORS FOR RIVERINE SYSTEMS

Stream Type Impacted	Intermittent 0.1			Perennial Stream > 15' in width 0.4			Perennial Stream ≤ 15' in width 0.8		
Priority Area	Tertiary 0.5			Secondary 0.8			Primary 1.640		
Existing Condition	Fully Impaired 0.25			Somewhat Impaired 0.5			Fully Functional 1.0		
Duration	Temporary 0.05			Recurrent 0.1			Permanent 0.2		
Dominant Impact	Shade/ Clear 0.05	Utility X-ing 0.4	Bank Armor 0.7	Detention 1.640	Stream Crossing (≤ 100') 1.7	Impound 2.7	Morpho-logic Change 2.7	Pipe >100' 3.0	Fill 3.0
Scaling Factor (Based on # linear feet impacted)	< 100' impact 0	100-200' impact 0.05	201-500' impact 0.1	501-1000' impact 0.2	> 1000' impact 0.4 for each 1000' feet of impact (round impacts to the nearest 1000') (example: 2,200' of impact – scaling factor = 0.8; 2,800' of impact – scaling factor – 1.2)				

Reaches to Be Impacted	**Reach 1**			
	Complete the Following for Each Reach to be Impacted			
Simon Channel Evolution Stage				
Rosgen Stream Type/D50				
Criteria for Selecting Existing Conditions for Each Reach	Significant ag. influences			
Bankfull Width and Depth	Width: 2.0 feet Depth: 1.0 feet			
Bankfull Indicators (attach photograph) showing bankfull for each reach)				
Factors	Stream 1	Stream 2	**Reach 3**	**Reach 4**
Stream Type Impacted	0.1			
Priority Area	0.5			
Existing Condition	0.25			
Duration	0.2			
Dominant Impact	3.0			
Scaling Factor	0.4			
Sum of Factors M =	4.45			
# Feet of Stream Impacted LF =	1,009			
M X LF	4,490.05			

Total Mitigation Credits Required = (M X LF) = 4,490.05

Enclosure 4

Table 8: Riparian Restoration and Preservation Worksheet

Benefit - select value each stream side	Riparian Restoration/Habitat Improvement/Preservation Factors – MBW = Minimum Buffer Width = 50'+2'/% slope Select Values from Table 1			
System Credit Condition 1	Condition 1: MWB restored or protected on both streambanks To Calculate Value: Average of the Net Benefit values for Stream Side A and Stream Side B			
System Credit Condition 2	RC Placed on Channel 0.05		RC and CE Placed on Channel 0.1	
M&C - select value for each stream side	Minimal (Required) 0	Moderate 0.2	Substantial 0.25	Excellent 0.3
Priority Area	Tertiary 0.05	Secondary 0.2	Primary 0.7	
Control	RC on restored channel and 25' buffer (Required) 0.1	Required RC + CE or GPP 0.3	Required RC + CE + GPP 0.5	
Mitigation Timing - select value for each stream side	Schedule 3 0	Schedule 2 (Use for all banks) 0.05	Schedule 1 0.15	

Riparian Reaches		Reach 1	Reach 2		
		Complete the Following for Each Riparian Reach			
Simon Channel Evolution Stage					
Rosgen Stream Type/D50					
teria for Selecting Existing Condition for Each Reach		Lacking Riparian Buffer	Lacking Riparian Buffer		
Bankfull Width and Depth		Width: 12.0 Depth: 3.0	Width: 12.0 Depth: 3.0		
Bankfull Indicators (attach photograph showing bankfull for each reach)					
Factors		**Reach 1**	**Reach 2**		
Net Benefit	Stream Side A	1.0	0.3		
	Stream Side B	0.3	0.3		
System Credit: Condition 1 Met		0.65	0.3		
System Credit: Condition 2 met (applicable only if Condition 1 met)		0.65	0.3		
M&C (at least minimal M&C required)	Stream Side A	0	0		
	Stream Side B	0	0		
Priority Area		0.05	0.05		
*Control (at least a RC required)		0.5	0.5		
*Mitigation Timing (none for riparian preservation)	Stream Side A	0	0		
	Stream Side B	0	0		
Sum of Factors	M =	2.65	1.75		
Linear Feet of Stream Buffered (do not count each bank separately)	LF =	655	1,600		
M X LF =		1,735.75	2,800		
Total Credits=		**4,535.75**			

Enclosure 5

Table 9: Wetlands and Open Waters Mitigation Worksheets

RESTORATION/ENHANCEMENT MITIGATION FACTORS

Factor	Options				
Net Improvement Vegetation	Minimal Enhancement 0.1 ---------- to ---------- Complete Restoration 1.4				
Net Improvement Hydrology	Minimal Enhancement 0.1 ---------- to ---------- Complete Restoration 1.4				
Credit Schedule	Schedule 5 0	Schedule 4 0.1	Schedule 3 0.2	Schedule 2 0.3	Schedule 1 0.4
Kind	Category 2 0.2	Category 1 0.6			
Maintenance	High 0	Moderate 0.1	Low 0.2	None 0.3	
Monitoring and Contingencies Plan	N/A 0	Minimum 0.1	Moderate 0.2	Substantial 0.3	Excellent 0.4
Control	RC 0.1	RC + CE or GPP 0.3	RC + CE + GPP 0.5		

PROPOSED RESTORATION/ENHANCEMENT MITIGATION WORKSHEET

Factor	Area 1	Area 2			
Net Improvement Vegetation	1.4	1.4			
Net Improvement Hydrology	1.0	1.0			
Credit Schedule	0.2	0.2			
Kind	0.6	0.6			
Maintenance	0.1	0.1			
Monitoring and Contingencies Plan	0.2	0.2			
Control	0.5	0.5			
Sum of m Factors	4.0	3.9			
Mitigation Area	0.35	3.0			
M × A =	1.4	11.7			
Total Restoration/Enhancement Credits = Σ (M × A)=			**13.1**		

Enclosure 6